

FILED  
*for Roanoke*  
DEC 14 2007

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

YAYAH TALIB,  
Plaintiff,

v.

R. SMITH, et al.,  
Defendants.

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Civil Action No. 7:07-cv-00500

**FINAL ORDER**

By: Hon. Jackson L. Kiser  
Senior United States District Judge

In accordance with the memorandum opinion entered this day it, is hereby

**ORDERED**

that plaintiff's Bivens claims shall be and hereby are **DISMISSED**, without prejudice, for failure to exhaust all available administrative remedies as required by 42 U.S.C. § 1997e(a). This case will be **STRICKEN** from the active docket of the court, and any outstanding motions are **DENIED as MOOT.\***

The Clerk is directed to send certified copies of this order and accompanying memorandum opinion to plaintiff.

ENTER: This 14<sup>th</sup> day of December, 2007.

*[Signature]*  
Senior United States District Judge

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\* Plaintiff is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Civil Procedure by filing a notice of appeal with this court within thirty (30) days of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5) or 4(a)(6).